

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,
and Bernard L. Madoff,

Plaintiff,

v.

THE SUMITOMO TRUST AND BANKING CO.
LTD.,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 11-02573 (CGM)

STIPULATION AND ORDER

The plaintiff, Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the chapter 7 estate of Bernard L. Madoff, and the defendant, The Sumitomo Trust and Banking Co. Ltd. (“Defendant,” and with the Trustee, the “Parties”), by and through their respective undersigned counsel, hereby agree that Defendant shall answer or otherwise respond to the complaint in the Action, Adv. Pro. No. 11-

02573 (Bankr. S.D.N.Y. Dec. 20, 2011), ECF No. 1, by **February 11, 2022**, and, if Defendant moves to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b), the Trustee shall respond to the motion by **April 12, 2022**, and Defendant shall file its reply, if any, by **May 12, 2022**. After any motion to dismiss that might be filed pursuant to this stipulation and order is fully submitted, the parties shall seek oral argument, subject to any scheduling conflicts, at the Court's first available convenience.

Dated: December 6, 2021
New York, New York

By: /s/ David J. Sheehan
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Brian W. Song
Email: bsong@bakerlaw.com
Ganesh Krishna
Email: gkrishna@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7
Estate of Bernard L. Madoff*

By: /s/ Zeb Landsman
**BECKER, GLYNN, MUFFLY, CHASSIN
& HOSINKI LLP**
299 Park Ave 16th floor
New York, New York 10171
Telephone: (212) 888-3033
Facsimile: (212) 888-0255
Zeb Landsman
Email: zlandsman@beckerglynn.com

*Attorney for Defendant The Sumitomo Trust
and Banking Co. Ltd.*

SO ORDERED.

Dated: December 7, 2021
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge